



W.P.(MD).No.13317 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2024

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.(MD).No.13317 of 2024**

Tmt. Surammal

... Petitioner

Vs.

The Tahsildhar,  
Nilakottai Taluk,  
Nilakottai,  
Dindigul District.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in Na.Ka.No. 5220/2023/A2 dated nil.06.2023 signed on 28.06.2023 and impugned proceedings in Na.ka.No.1460/2024/A2dated nil.03.2024 signed on 12.03.2021, issued by the respondent and quash the same as illegal and consequently direct the respondent to issue comprehensive certificate in order to apply compassionate appointment within the time limit fixed by this Court.

For Petitioner : M/s.S.Meena

For Respondent : Mr.S.Shanmugavel  
Additional Government Advocate



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**ORDER**

**WEB COPY** Heard M/s.S.Meena, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Advocate for the respondent.

2. This Writ Petition has been filed seeking to quash the the impugned proceedings in Na.Ka.No.5220/2023/A2 dated nil.06.2023 signed on 28.06.2023 and impugned proceedings in Na.ka.No. 1460/2024/A2dated nil.03.2024 signed on 12.03.2021, issued by the respondent and consequently direct the respondent to issue comprehensive certificate in order to apply compassionate appointment.

3. M/s.S.Meena, learned counsel for the petitioner submitted that the petitioner's husband was working as Foreman at TANGEDCO and he died in harness on 27.08.2022, leaving behind his age mother mother, the petitioner, daughter, son as his legal heirs. The petitioner's daughter married in the year 2008 and had one son. During the life time of the petitioner's husband, the son namely Suryakumar got selected to the post of Village Administrative Officer in the year 2017 and he also married one Sivapriya in the year 2018. He lived separately along with his wife



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without providing any monetary assistants to the family from the year 2018 itself. On account of family dispute between the petitioner's daughter and son-in-law, she and her minor child have returned to the petitioner's house in the year 2016 itself.

4. Under such circumstances, the petitioner made an application on 04.03.2023 seeking compassionate appointment for her daughter to the Executive Engineer, TANGEDCO, Dindigul Division, who in turn directed the petitioner to produce the necessary documents including Comprehensive Certificate from the jurisdictional Tahsildar along with the application. In pursuance thereof, when the petitioner approached the respondent with the application, the same was rejected vide order dated 28.06.2023 on the ground that the petitioner's son was already employed in the Government Department and further the petitioner's daughter is married. Without considering the petitioner's request to provide Comprehensive Certificate, the respondent again rejected the petitioner's request vide impugned order dated Nil.03.2024 (signed on 12.03.2024) stating the very same reason. Challenging the same, the present Writ Petition has been filed.



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5. The issue raised in this Writ Petition has been elaborately discussed and covered in the earlier judgment passed in ***W.P(MD)No.18207 of 2023 dated 24.11.2023(V.Thangapandi Vs. The Tahsildar, Nilakottai Taluka Office, Nilakottai Taluk, Dindigul District)***, wherein the order has been analysed as under:

*“4. I carefully considered the rival contentions and went through the materials on record.*

*5. The Government has been issuing Government Orders from time to time. While the petitioner would rely on G.O(Ms)No.18 Labour and Employment (Q1) Department dated 23.01.2023, the respondent would rely on G.O(Ms)No.33 Labour Welfare and Skill Development (Q1) Department dated 08.03.2023. But the language of both the Government Orders are in pari materia. In both the Government Orders it has been stated that where a member of the family is in regular employment and is living separately without providing any monetary assistance to the family that would not render the family ineligible. In the case on hand, the petitioner's brother got employment in the year 2017 itself. The petitioner's father's death took place in the year 2022. The petitioner would further state that his brother never rendered assistance to the family. He is*



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*also married. In these circumstances, denial of Comprehensive Certificate appears to be not in consonance with the aforesaid Government Orders. The impugned memorandum is set aside. The respondent is directed to issue Comprehensive Certificate as sought for by the petitioner.*

*6. This writ petition is allowed accordingly. There shall be no order as to costs.”*

6. In the light of the decision cited supra, this Writ petition is **allowed** and the impugned proceedings proceedings in Na.Ka.No. 5220/2023/A2 dated nil.06.2023 (signed on 28.06.2023) and impugned proceedings in Na.ka.No.1460/2024/A2dated nil.03.2024 (signed on 12.03.2021) are hereby quashed. The respondent is directed to issue Comprehensive Certificate as sought for by the petitioner. The said exercise shall be completed within a period of three weeks from the date of receipt of copy of this order. No costs.

**21.06.2024**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
Nsr



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**R.N.MANJULA, J.**

Nsr

**To:**

The Tahsildhar,  
Nilakottai Taluk,  
Nilakottai,  
Dindigul District.

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